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**IN THE
COURT OF APPEALS OF INDIANA**

TERRI WRIGHT,)	
)	
Appellant-Respondent,)	
)	
vs.)	No. 18A04-0606-JV-301
)	
DELAWARE COUNTY DIVISION OF)	
FAMILY AND CHILDREN,)	
)	
Appellee-Petitioner.)	

APPEAL FROM THE DELAWARE CIRCUIT COURT
The Honorable Richard A. Dailey, Judge
Cause No. 18C02-0507-JT-34

February 7, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

Terri Wright (“Mother”) appeals from the trial court’s termination of her parental rights with respect to her daughter T.W. She presents a single issue for our review, namely, whether the Delaware County Department of Child Services (“DCS”) presented sufficient evidence to sustain the termination of her parental rights.

We affirm.

FACTS AND PROCEDURAL HISTORY

Mother gave birth to T.W. on February 15, 1990. In October 2003, the DCS filed a petition alleging that T.W. was a child in need of services (“CHINS”). The petition alleged that Mother had struck T.W. with an electric cord or belt and that T.W. was afraid to stay with Mother. In January 2004, the trial court adjudicated T.W. a CHINS, and the DCS placed T.W. at the Youth Opportunity Center (“YOC”) in Muncie.

The DCS established a case plan for Mother, which required her to submit to random drug tests, undergo a psychiatric evaluation, participate in individual and family counseling at YOC, cooperate with the case manager, and attain and maintain stable housing. Mother did not comply with the terms of the case plan. She did not regularly participate in family counseling sessions, did not cooperate with the case manager, did not maintain stable housing, and either tested positive or did not submit to random drug tests. Moreover, Mother’s visitation with T.W. was sporadic, at best. As a result, on July 7, 2005, the DCS filed a petition to terminate Mother’s parental rights with respect to T.W.¹ Following a hearing on May 16, 2006, the trial court entered its order terminating

¹ T.W.’s father’s parental rights were also terminated, but he is not a party to this appeal.

Mother's parental rights with respect to T.W. and made findings and conclusions. Mother now appeals.

DISCUSSION AND DECISION

Mother contends that the evidence is insufficient to support the involuntary termination of her parental rights. Initially, we note that the purpose of terminating parental rights is not to punish parents, but to protect the children. Weldishofer v. Dearborn County Div. of Family & Children (In re J.W.), 779 N.E.2d 954, 959 (Ind. Ct. App. 2002), trans. denied. "Although parental rights are of a constitutional dimension, the law allows for the termination of those rights when parents are unable or unwilling to meet their responsibilities as parents. This includes situations not only where the child is in immediate danger of losing his life, but also where the child's emotional and physical development are threatened." Id.

In reviewing a decision to terminate a parent-child relationship, this court will not set aside the judgment unless it is clearly erroneous. Everhart v. Scott County Office of Family & Children, 779 N.E.2d 1225, 1232 (Ind. Ct. App. 2002), trans. denied. Findings of fact are clearly erroneous when the record lacks any evidence or reasonable inferences to support them. Id. When reviewing the sufficiency of the evidence, this court neither reweighs the evidence nor judges the credibility of the witnesses. Id.

To support a petition to terminate parental rights, the DCS must show, among other things, that there is a reasonable probability that:

- (i) the conditions that resulted in the child's removal or the reasons for placement outside the home of the parents will not be remedied; or
- (ii) the continuation of the parent-child relationship poses a threat to the well-being of the child.

Ind. Code § 31-35-2-4(b)(2)(B). The DCS must also show that termination is in the best interest of the child and that there exists a satisfactory plan for the care and treatment of the child. Ind. Code § 31-35-2-4(b)(2)(C), (D). These factors must be established by clear and convincing evidence. Ind. Code § 31-34-12-2.

In interpreting Indiana Code Section 31-35-2-4, this court has held that the trial court should judge a parent's fitness to care for his or her child as of the time of the termination hearing, taking into consideration evidence of changed conditions. J.K.C. v. Fountain County Dep't of Pub. Welfare, 470 N.E.2d 88, 92 (Ind. Ct. App. 1984). However, recognizing the permanent effect of termination, the trial court must also evaluate the parent's habitual patterns of conduct to determine whether there is a substantial probability of future neglect or deprivation of the child. Id. To be sure, the trial court need not wait until the child is irreversibly influenced by a deficient lifestyle such that the child's physical, mental and social growth is permanently impaired before terminating the parent-child relationship. Id. at 93.

A pattern of unwillingness to deal with parenting problems and to cooperate with those providing social services, in conjunction with unchanged conditions, will support a finding that there exists no reasonable probability that the conditions will change. Matter of D.B., 561 N.E.2d 844, 848 (Ind. Ct. App. 1990). Where there are only temporary improvements and the pattern of conduct shows no overall progress, the court might reasonably find that under the circumstances, the problematic situation will not improve. Matter of D.L.W., 485 N.E.2d 139, 143 (Ind. Ct. App. 1985). When the evidence shows that the child's emotional and physical development is threatened, termination of the

parent-child relationship is appropriate. Egley v. Blackford County Dep't of Pub. Welfare, 592 N.E.2d 1232, 1234 (Ind. 1992).

Mother's sole contention on appeal is that the evidence is insufficient to show that there is a reasonable probability that the conditions that resulted in T.W.'s removal from her home will not be remedied, that the continuation of the parent-child relationship poses a threat to T.W.'s well-being, or that termination is in T.W.'s best interest. But the DCS presented evidence that Mother: did not take advantage of more than half of the opportunities for visitation with T.W.; failed at least one drug screen and was otherwise non-compliant with the court-ordered drug tests; did not maintain stable housing; did not maintain contact with or otherwise cooperate with the DCS case manager; did not undergo the court-ordered psychiatric evaluation; and did not actively participate in family counseling sessions at YOC. The DCS case manager testified that she believed a continuation of the parent-child relationship posed a threat to T.W.'s well-being and that termination is in T.W.'s best interest.

Mother merely asks that we reweigh the evidence, which we will not do. The evidence is sufficient to support the trial court's conclusions both that there is a reasonable probability that the conditions that resulted in the child's removal will not be remedied and that a continuation of the relationship between Mother and T.W. poses a threat to the child's well-being. And there is also clear and convincing evidence that termination is in the best interest of the child and that there exists a satisfactory plan for the care and treatment of the child. We conclude that the DCS presented sufficient evidence to support the trial court's termination of Mother's parental rights.

Affirmed.

MAY, J., and MATHIAS, J., concur.